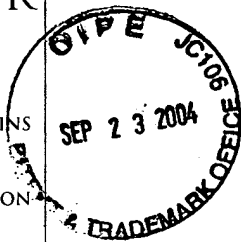


IFW

JENKINS
WILSON
& TAYLOR

patent attorneys

September 20, 2004



RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

E. ERIC MILLS

BENTLEY J. OLIVE

MICHAEL J. CROWLEY

*CHRIS PERKINS, PH.D.

**JAMES DALY IV, PH.D.

JEFFREY CHILDERS, PH.D.

OF COUNSEL
SOROJINI BISWAS

*LICENSED ONLY IN CA

**LICENSED ONLY IN KY

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 20, 2004.

Patty Wilson

Patty Wilson
Date of Signature: September 20, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/606,060 for
METHOD FOR CONTROLLING GENE EXPRESSION IN A
CELL
Our Ref. No. 1392/4/3/2

Sir:

Please find enclosed in connection with the subject U.S. patent application the following documents:

1. Information Disclosure Statement (2 pages);
2. Form PTO-1449 (6 pages) in duplicate; and
3. A return-receipt postcard to be returned to us with the U.S. Patent and Trademark Office filing stamp thereon.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

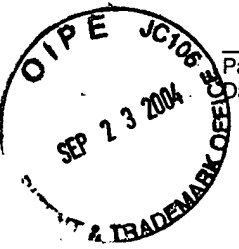
Arles A. Taylor, Jr.
Registration No. 39,395

AAT/ptw
Enclosures

Customer No: 25297

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 20, 2004.

PATENT



Patty Wilson
Patty Wilson
Date of Signature September 20, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jepson et al.

Group Art Unit: 1645

Serial No.: 10/606,060

Examiner: Unknown

Filed: June 25, 2003

Docket No.: 1392/4/3/2

Confirmation No.: 6114

For: METHOD FOR CONTROLLING GENE EXPRESSION IN A CELL

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97, and 1.98, applicants' undersigned attorney brings to the attention of the Patent and Trademark Office the following references. Forms PTO-1449 are attached hereto.

Copies of the cited documents are of record in the file history of U.S. Patent Application Serial No. 09/564,418 filed on May 3, 2000. The above-captioned application claims priority to U.S. Patent Application Serial No. 09/564,418 under 35 U.S.C. § 120, and as per 37 C.F.R. § 1.98, no copies of these cited documents are believed to be required.

Serial No.: 10/606,060

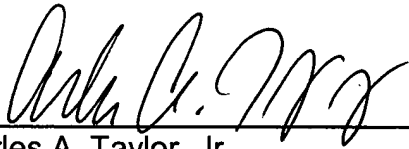
Early passage of the subject application to issue is earnestly solicited.

Although it is believed that no fee is due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

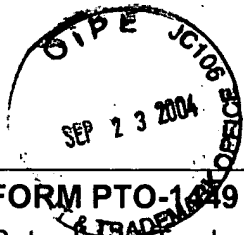
Date: 09/20/2004

By: 
Arles A. Taylor, Jr.
Registration No. 39,395

AAT/ptw

Enclosures

Customer No: 25297



FORM PTO-1049 U.S. Department of Commerce
Patent and Trademark Office

List of Documents Cited by Applicant

Application No.:	10/606,060
Filing Date:	June 25, 2003
First Named Inventor:	Jepson
Group:	1645
Examiner:	
Attorney Docket No.:	1392/4/3/2

U.S. PATENT DOCUMENTS

Examiner Initial	Cite No.	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, where relevant passages or relevant figures appear
	1.	5,424,333	6/1995	Wing	
	2.	5,514,578	5/1996	Hogness et al.	
	3.	6,610,828	8/2003	Jepson et al.	
	4.	6,379,945	4/2002	Jepson et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number (country code, no., kind code (if known))	Publication Date	Name of Patentee or Applicant	Pages, columns, lines where relevant passages appear	T
	5.	0 218 571	4/1987	EP		
	6.	0 293 358	11/1988	EP		
	7.	0 615 976	9/1994	EP		
	8.	90/08826	8/1990	PCT		
	9.	90/14000	11/1990	PCT		
	10.	91/04323	4/1991	PCT		
	11.	91/13167	9/1991	PCT		
	12.	92/003777	1/1992	PCT		
	13.	92/04449	3/1992	PCT		
	14.	92/06201	4/1992	PCT		
	15.	93/03162	2/1993	PCT		

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office List of Documents Cited by Applicant				Application No.:	10/606,060	
				Filing Date:	June 25, 2003	
				First Named Inventor:	Jepson	
				Group:	1645	
				Examiner:		
				Attorney Docket No.:	1392/4/3/2	
	16.	93/09237	5/1993	PCT		
	17.	93/23431	11/1993	PCT		
	18.	96/27673	9/1996	PCT		
OTHER DOCUMENTS						
Examiner Initials	Cite No.	Include Author (in CAPITAL LETTERS), Title, Journal, Date, Pertinent Pages, Etc.				T
	19.	Ayala et al. (1980) Modern Genetics, The Benjamin Cummings publishing company, Inc., p. 45				
	20.	Allan, George F. et al., Ligand-dependent conformational changes in the progesterone receptor are necessary for events that follow DNA binding, Proc. Natl. Acad. Sci., USA, Biochemistry, vol. 89, Dec. 1992, pp. 11750-11754.				
	21.	Allan, George F. et al., "Hormone and Antihormone Induce Distinct Conformational Changes Which Are Central to Steroid Receptor Activation", The Journal of Biological				
	22.	Chemistry, vol. 267, No. 27, Sep. 1992, pp. 19513-19520. Ashburner, Michael, "Puffs, Genes, and Hormones Revisited", Cell, vol. 61, Apr. 6, 1990, pp. 1-3.				
	23.	Beato, Miguel, "Gene Regulation by Steroid Hormones" Cell, vol. 56, Feb. 10, 1989, pp. 335-344.				
	24.	Becker, Claudia et al., "PCR cloning and expression analysis of cDNAs encoding cysteine proteinases from germinating seeds of <i>Vicia sativa</i> L.", Plant Molecular Biology, vol. 26, 1994, pp. 1207-1212.				
	25.	Cammue, Bruno PA. et al., "Isolation and Characterization of a Novel Class of Plant Antimicrobial Peptides from <i>Mirabilis jalapa</i> L. Seeds", The Journal of Biological Chemistry, vol. 267, No. 4, Feb. 1992, pp. 2228-2233.				
	26.	Carlberg, Carsten et al., "Two nuclear signalling pathways for vitamin D", Nature, vol. 361, Feb. 18, 1993, pp. 657-660.				
	27.	Cho, Wen-Long et al., "Mosquito Ecdysteroid Receptor: Analysis of the cDNA and Expression During Vitellogenesis", Insect Biochem. Molec. Biol., vol. 25, No. 1, 1995, pp. 19-27.				

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office List of Documents Cited by Applicant		Application No.:	10/606,060
		Filing Date:	June 25, 2003
		First Named Inventor:	Jepson
		Group:	1645
		Examiner:	
		Attorney Docket No.:	1392/4/3/2
	28.	Christopherson, Karen S. et al., "Ecdysteroid-dependent regulation of genes in mammalian cells by a <i>Drosophila</i> ecdysone receptor and chimeric transactivators", Proc. Natl. Acad. Sci., USA, Genetics, vol. 89, Jul. 1992, pp. 6314-6318.	
	29.	Evans, Ronald M., "The Steroid and Thyroid hormone Receptor Superfamily", Science, vol. 240, May 13, 1988, pp. 889-895.	
	30.	Goetting-Minesky, M.P. et al., "Differential gene expression in an actinohizal symbiosis: Evidence for a nodule-specific cysteine proteinase", Proc. Natl. Acad. Sci., USA, Plant Biology, vol. 91, Oct. 1994, pp. 9891-9895.	
	31.	Green, Stephen et al., "Nuclear receptors enhance our understanding of transcription regulation", TIG, vol. 4, No. 11, Nov. 1988, pp. 309-314.	
	32.	Heyman, Richard A. et al., "9-Cis Retinoic Acid Is a High Affinity Ligand for the Retinoid X Receptor", Cell, vol. 68, Jan. 24, 1992, pp. 397-406.	
	33.	Hirst, M.C. et al., "Preparation of radiolabelled hybridization probes by STS labelling", Trends in Genetics, vol. 8, No. 1, Jan. 1992, pp. 6-7.	
	34.	Hollenberg, Stanley M. et al., "Primary structure and expression of a functional human glucocorticoid receptor cDNA", Nature, vol. 318, No. 19, Dec. 16, 1985, pp. 635-641.	
	35.	Imhog, Markus O. et al., Cloning of a <i>Chironomus tentans</i> Cdna Encoding a Protein (cEcRH) Homologous to the <i>Drosophila melanogaster</i> Ecdysteroid Receptor (dEeR), Insect Biochem. Molec. Biol., vol. 23, No. 1, Jan. 1993, pp. 115-124.	
	36.	Jiang, Binghua et al., "Association of a 33-Kilodalton Cysteine Proteinase Found in Corn Callus with the Inhibition of Fall Armyworm Larval Growth", Plant Physiol., vol. 108, 1995, pp. 1631-1640.	
	37.	Jindra, Marek et al., "Isolation and Developmental Expression of the Ecdysteroid-induced GHR3 Gene of the Wax Moth <i>Galleria mellonella</i> ", Insect Biochem. Molec. Biol., vol. 24, No. 8, 1994, pp. 763-773.	
	38.	Kliwer, Steven A. et al., "Retinoid X receptor interacts with nuclear receptors in retinoic acid, thyroid hormone and vitamin D ₃ signalling", Nature, vol. 355, Jan. 30, 1992, pp. 446-449.	

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office List of Documents Cited by Applicant		Application No.:	10/606,060
		Filing Date:	June 25, 2003
		First Named Inventor:	Jepson
		Group:	1645
		Examiner:	
		Attorney Docket No.:	1392/4/3/2
	39.	Koelle, Michael R. et al., "The <i>Drosophila</i> EcR Gene Encodes and Ecdysone Receptor, a New Member of the Steroid Receptor Superfamily", <i>Cell</i> , vol. 67, Oct. 4, 1991, pp. 59-77.	
	40.	Kothapalli, Ravi et al., "Cloning and Developmental Expression of the Ecdysone Receptor Gene From the Spruce Budworm, <i>Choristoneura fumiferana</i> ", <i>Developmental Genetics</i> , vol. 17, 1995, pp. 319-330.	
	41.	Krust, André et al., "The chicken oestrogen receptor sequence: homology with v-erbA and the human oestrogen and glucocorticoid receptors", <i>The EMBO Journal</i> , vol. 5, No. 5, 1986, pp. 891-897.	
	42.	Leid, Mark et al., "Multiplicity generates diversity in the retinoic acid signaling pathways", <i>TIBS</i> , vol. 17, Oct. 1992, pp. 427-433.	
	43.	Leid, Mark et al., "Purification, Cloning, and RXR Identity of the HeLa Cell Factor with Which RAR or TR Heterodimerizes to Bind Target Sequences Efficiently", <i>Cell</i> , vol. 68, Jan. 24, 1992, pp. 377-395.	
	44.	Linthorst, Huub J. et al., "Circadian expression and induction by wounding of tobacco genes for cysteine proteinase", <i>Plant Molecular Biology</i> , vol. 21, 1993, pp. 685-694.	
	45.	Mangelsdorf, David J. et al., "Characterization of three RXR genes that mediate the action of 9-cis retinoic acid", <i>Genes & Development</i> , vol. 6, 1992, pp. 329-344.	
	46.	Oro, Anthony E. et al., "Relationship between the product of the <i>Drosophila ultraspiracle</i> locus and the vertebrate retinoid X receptor", <i>Nature</i> , vol. 347, Sep. 20, 1990, pp. 298-301.	
	47.	Riddihough et al., "An ecdysone response element in the <i>Drosophila</i> hsp27 promoter", <i>The EMBO Journal</i> , vol. 6, No. 12, 1987, pp. 3729-3734.	
	48.	Schena, Mark et al., "A steroid-inducible gene expression system for plant cells", <i>Proc. Natl. Acad. Sci., USA, Genetics</i> , vol. 88, Dec. 1991, pp. 10421-10425.	
	49.	Segraves, William A., "Something Old, Some Things New: The Steroid Receptor Superfamily in <i>Drosophila</i> ", <i>Cell</i> , vol. 67, Oct. 18, 1991, pp. 225-228.	

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office List of Documents Cited by Applicant		Application No.:	10/606,060
		Filing Date:	June 25, 2003
		First Named Inventor:	Jepson
		Group:	1645
		Examiner:	
		Attorney Docket No.:	1392/4/3/2
	50.	Segraves, William A. et al., "The E75 ecdysone-inducible gene responsible for the 75B early puff in <i>Drosophila</i> encodes two new members of the steroid receptor superfamily", <i>Genes & Development</i> , vol. 4, 1990, pp. 204-219.	
	51.	Smagghe, Guy et al., "Action of a Novel Nonsteroidal Ecdysteroid Mimic, Tebufenozide (Ril-5992), on Insects of Different Orders", <i>Pestic. Sci.</i> , vol. 42, 1994, pp. 85-92.	
	52.	Smagghe, Guy et al., "Biological activity and receptor-binding of ecdysteroids and the ecdysteroid agonists RH-5849 and RH-5992 in imaginal wing discs of <i>Spodoptera exigua</i> (Lepidoptera:Noctuidae)", <i>Eur. J. Entomol.</i> , vol. 92, 1995, pp. 333-340.	
	53.	Smart, Catherine M. et al., "The timing of maize leaf senescence and characterisation of senescence-related cDNAs", <i>Physiologia Plantarum</i> , vol. 93, 1995, pp. 673-682.	
	54.	Stemmer, Willem P.C., "Rapid evolution of a protein in vitro by DNA shuffling", <i>Nature</i> , vol. 370, Aug. 4, 1994, pp. 389-391.	
	55.	Terras, Franky R.G. et al., "A new family of basic cysteine-rich plant antifungal proteins from Brassicaceae species", <i>FEBS Letters</i> , vol. 316, No. 3, pp. 233-240.	
	56.	Thummel, Carl S. et al., "Spatial and Temporal Patterns of E74 Transcription during <i>Drosophila</i> Development", <i>Cell</i> , vol. 61, Apr. 6, 1990, pp. 101-111.	
	57.	Vegeto, Elisabetta et al., "The Mechanism of RU486 Antagonism Is Dependent on the Conformation of the Carboxy-Terminal Tail of the Human Progesterone Receptor", <i>Cell</i> , vol. 69, May 15, 1992, pp. 703-713.	
	58.	Yao, Tso-Pang et al., " <i>Drosophila</i> ultraspiracle Modulates Ecdysone Receptor Function via Heterodimer Formation", <i>Cell</i> , vol. 71, Oct. 2, 1992, pp. 63-72.	
	59.	Yao, Tso-Pang et al., "Functional ecdysone receptor is the product of EcR and Ultraspiracle genes", <i>Nature</i> , vol. 366, Dec. 2, 1993, pp. 476-479.	
	60.	Yu, Victor C. et al., "RXR β : A Coregulator That Enhances Binding of Retinoic Acid, Thyroid Hormone, and Vitamin D receptors to their Cognate Response Elements", <i>Cell</i> , vol. 67, Dec. 20, 1991, pp. 1251-1266.	

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office List of Documents Cited by Applicant		Application No.:	10/606,060
		Filing Date:	June 25, 2003
		First Named Inventor:	Jepson
		Group:	1645
		Examiner:	
		Attorney Docket No.:	1392/4/3/2
	61.	Hogness, D.S., Talhot, W.S., Bender, MT. and Koelle, M. [1992] X Ecdysone Workshop, Liverpool: (Abstract).	
	62.	Bowie et al. (1990) Science 247: 1307-1310.	
	63.	George et al. (1988) Macromolecular Sequencing and Synthesis (Ed. D.H. Schlesinger) Alan R. Liss Inc., New York, pp. 127-149.	

EXAMINER _____ DATE CONSIDERED _____

*Examiner Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.